



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/348,742	07/06/99	DZIEDZIC	7038

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PM82/0615

EXAMINER
WUJCIAK, A

ART UNIT	PAPER NUMBER
3632	

DATE MAILED:

06/15/00³

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/348,742

Applicant(s)

DZIEDZIC, EDWARD

Examiner

Alfred Joseph Wujciak

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for the serial number 09/348,742, Banded Mount, filed on 7/6/99.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,098,051 to Aldridge et al.

Aldridge et al. discloses an aluminum (col. 7, line 5-7) stabilizer wire mount (53) for attaching the pole comprising a rectangular base plate (54, 55) having a top and bottom surface. The top surface having a boss (62) positioned in center and four raised ribs (56, 57, 58, 59) defining a channel (60). The boss comprises a loop (51). The bottom surface having a pair of depending serrated edges (see attachment of Aldridge et al., figure 15, a). Furthermore, Aldridge et al. teaches at least one band (2) seated in the channel and extending around the pole (see figure 17).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 5,335,889 to Hopkins et al.

US Patent # 4,659,046 to Parduhn

US Patent # 4,325,529 to Seebinger


US Patent # 5,310,151 to Engel

Hopkins et al., Parduhn, Seebinger and Engel disclose a stabilizer wire mount for mounting the pole comprising a band, a base plate, and a top surface having a boss. Engel teaches a bottom surface of the base plate having a pair of depending serrated edges.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (703) 306-5994. This examiner uses a Text-Telephone –Device for the Deaf (TDD). Please first dial the Federal Relay Service at 1-800-877-8339 and give the operator the examiner's phone number. The fax machine phone number for the Technology Center is (703) 308-3519 or (703) 308-3636.


JW

June 9, 2000


GWENDOLYN BAXTER
PATENT EXAMINER

Art Unit 3632